



JEH

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.22US02

Hochschuler et al.

Confirmation No.: 7691

Application No.: 10/804,761

Examiner: *unknown*

Filed: March 19, 2004

Group Art Unit: 3738

For: METHOD AND APPARATUS FOR TREATING A VERTEBRAL BODY

SUBSTITUTION OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby appoint the practitioners associated with **Customer Number 24113** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to: Brad Pedersen at telephone number (612) 349-5774.

Address all correspondence to:

Customer Number 24113
Brad Pedersen
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center, 80 South 8th Street
Minneapolis, Minnesota 55402-2100

Please reference Attorney Docket No. 3110.22US02 on all correspondence.

Additionally, please charge any future fees to Deposit Account No. 16-0631.

All previous powers of attorney granted in this case are hereby revoked.

Spineology, Inc., Assignee

Date: 7-12-05

Signature

Karen M. Roche

Name Printed or Typed

KAREN ROCHE

Title

VP, OPERATIONS ; TECHNOLOGY

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date of Deposit

7/19/2005

Brad Pedersen



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.22US02

Hochschuler et al.

Confirmation No. 7691

Application No.: 10/804,761

Examiner: *unknown*

Filed: March 19, 2004

Group Art Unit: 3738

For: METHOD AND APPARATUS FOR TREATING A VERTEBRAL BODY

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Spineology, Inc., a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:
1. From Stephen Hochschuler, Wesley Johnson, Kevin Nickels, Larry Wales, Thomas R. Hektner, Tyler Lipschultz to Vertx, Inc.

The document was recorded in the Patent and Trademark Office at Reel 015992, Frame 0332 or for which a copy thereof is attached.

2. From Vertx, Inc. to Spine Wave, Inc.

The document was recorded in the Patent and Trademark Office at Reel 016060, Frame 0868 or for which a copy thereof is attached.

3. From Spine Wave, Inc. to Spineology, Inc.

The document was recorded in the Patent and Trademark Office at Reel 016093, Frame 0632 or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

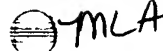
The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: 7-12-05

Karen M. Roche
Signature

KAREN ROCHE
Name Printed or Typed

VP, OPERATIONS
Title



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



500030709A

MAY 10, 2005

PTAS

BRAD PEDERSEN
4800 IDS CENTER, 80 S 8TH STREET
MINNEAPOLIS, MN 55402-2100

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22314.

RECORDATION DATE: 05/10/2005

REEL/FRAME: 015992/0332

NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOCHSCHULER, STEPHEN

DOC DATE: 11/19/2001

ASSIGNOR:

JOHNSON, WESLEY

DOC DATE: 11/09/2001

ASSIGNOR:

NICKELS, KEVIN

DOC DATE: 11/09/2001

ASSIGNOR:

WALES, LARRY

DOC DATE: 11/09/2001

ASSIGNOR:

HEKTNER, THOMAS R.

DOC DATE: 11/09/2001

ASSIGNOR:

LIPSCHULTZ, TYLER

DOC DATE: 11/08/2001

Noted

015992/0332 PAGE 2

ASSIGNEE:

VERTX, INC.
6765 WEDGWOOD ROAD
MAPLE GROVE, MINNESOTA 55311

SERIAL NUMBER: 10804761

FILING DATE: 03/19/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD AND APPARATUS FOR TREATING A VERTEBRAL BODY

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

05/10/2005
500030709

SUBMISSION TYPE:	NEW ASSIGNMENT														
NATURE OF CONVEYANCE:	ASSIGNMENT														
CONVEYING PARTY DATA															
<table border="1"><thead><tr><th>Name</th><th>Execution Date</th></tr></thead><tbody><tr><td>Stephen Hochschuler</td><td>11/19/2001</td></tr><tr><td>Wesley Johnson</td><td>11/09/2001</td></tr><tr><td>Kevin Nickels</td><td>11/09/2001</td></tr><tr><td>Larry Wales</td><td>11/09/2001</td></tr><tr><td>Thomas R. Hektner</td><td>11/09/2001</td></tr><tr><td>Tyler Lipschultz</td><td>11/08/2001</td></tr></tbody></table>	Name	Execution Date	Stephen Hochschuler	11/19/2001	Wesley Johnson	11/09/2001	Kevin Nickels	11/09/2001	Larry Wales	11/09/2001	Thomas R. Hektner	11/09/2001	Tyler Lipschultz	11/08/2001	
Name	Execution Date														
Stephen Hochschuler	11/19/2001														
Wesley Johnson	11/09/2001														
Kevin Nickels	11/09/2001														
Larry Wales	11/09/2001														
Thomas R. Hektner	11/09/2001														
Tyler Lipschultz	11/08/2001														
RECEIVING PARTY DATA															
Name:	Vertx, Inc.														
Street Address:	6765 Wedgwood Road														
City:	Maple Grove														
State/Country:	MINNESOTA														
Postal Code:	55311														
PROPERTY NUMBERS Total: 1															
<table border="1"><thead><tr><th>Property Type</th><th>Number</th></tr></thead><tbody><tr><td>Application Number:</td><td>10804761</td></tr></tbody></table>	Property Type	Number	Application Number:	10804761											
Property Type	Number														
Application Number:	10804761														
CORRESPONDENCE DATA															
Fax Number:	(612)349-9266														
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>															
Phone:	612-349-5774														
Email:	schermann@ptslaw.com														
Correspondent Name:	Brad Pedersen														
Address Line 1:	4800 IDS Center, 80 S 8th Street														
Address Line 4:	Minneapolis, MINNESOTA 55402-2100														
NAME OF SUBMITTER:	Brad Pedersen														
Total Attachments: 6															

CH \$40.00 10804761



source=Assignment 3110.22US02#page1.tif
source=Assignment 3110.22US02#page2.tif
source=Assignment 3110.22US02#page3.tif
source=Assignment 3110.22US02#page4.tif
source=Assignment 3110.22US02#page5.tif
source=Assignment 3110.22US02#page6.tif

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 05/31/2002 OMB 0851-0027
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

Whereas, I, Stephen Hochschuler of Dallas, TX, hereafter referred to as applicant, have invented certain new and useful improvements in Method and Apparatus for Treating a Vertebral Body

☒ for which an application for a United States Patent was filed on 02/27/2001
Application Number 091 / 794,873

☐ for which an application for a United States Patent was executed on _____, and

Whereas, VERTx, Inc. of Maple Grove, MN herein referred to "assignee" whose mailing address is 6766 Wedgwood Road, Maple Grove, MN 55311 is de-

sirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$ 1), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 19 day of Nov 20 01
at Texas Bank Institute

State of _____ :S:S:
County of _____

Before me personally appeared said Stephen Hochschuler
and acknowledged the foregoing instrument to be his free act and deed this
day of _____, 20____.

(Signature)

Seal

(Notary Public)

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner of Patents and Trademarks, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/15 (08-00)
Approved for use through 05/31/2002. OMB 0651-0027
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

Whereas, I, Wesley Johnson of Eden Prairie, MN, hereafter referred to as applicant, have invented certain new and useful improvements in Method and Apparatus for Treating a Vertebral Body

☒ for which an application for a United States Patent was filed on 02/27/2001
Application Number 09 / 794,873

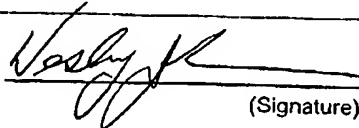
☐ for which an application for a United States Patent was executed on _____, and

Whereas, VERTx, Inc. of Maple Grove, MN herein referred to "assignee" whose mailing address is 6765 Wedgwood Road, Maple Grove, MN 55311 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$ 1), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 9th day of November, 2001.

at ProtoStar, Inc.


(Signature)

State of _____) SS:
County of _____)

Before me personally appeared said Wesley Johnson
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____, 20____.

Seal

(Notary Public)

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner of Patents and Trademarks, Washington, DC 20231.

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

Whereas, I, Kevin Nickels of Bloomington, MN, hereafter referred to as applicant, have invented certain new and useful improvements in Method and Apparatus for Treating a Vertebral Body

☒ for which an application for a United States Patent was filed on 02/27/2001,
Application Number 09 / 794,873

☐ for which an application for a United States Patent was executed on _____, and

Whereas, VERTx, Inc. of Maple Grove, MN herein referred to "assignee" whose mailing address is 6765 Wedgwood Road, Maple Grove, MN 55311 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$ 1), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 9th day of November, 20 01,

at Vertx / Procton

Kevin Nickels
(Signature)

State of _____) SS:
County of _____)

Before me personally appeared said Kevin Nickels
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____, 20 _____.

Seal

(Notary Public)

ASSIGNMENT OF APPLICATION	Docket Number (Optional)
----------------------------------	--------------------------

Whereas, I, Larry Wales of Maplewood, MN, hereafter referred to as applicant, have invented certain new and useful improvements in Method and Apparatus for Treating a Vertebral Body

☒ for which an application for a United States Patent was filed on 02/27/2001
Application Number 09 / 794,873

☐ for which an application for a United States Patent was executed on _____, and

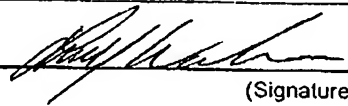
Whereas, VERTx, Inc. of Maple Grove, MN herein referred to "assignee" whose mailing address is 6765 Wedgwood Road, Maple Grove, MN 55311 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$1), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 9th day of November, 2001,
at Proteostar, Inc.

State of _____) SS:
County of _____)

Before me personally appeared said Larry Wales
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____, 20____.



 (Signature)

Seal

(Notary Public)

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

Whereas, I, Thomas R. Hektner of Medina, MN, hereafter referred to as applicant, have invented certain new and useful improvements in Method and Apparatus for Treating a Vertebral Body

- ☒ for which an application for a United States Patent was filed on 02/27/2001
Application Number 09 / 794,873
- ☐ for which an application for a United States Patent was executed on _____, and

Whereas, VERTx, Inc. of Maple Grove, MN herein referred to "assignee" whose mailing address is 6765 Wedgwood Road, Maple Grove, MN 55311 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$ 1), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 9th day of November, 2001
at Proctorville, Ohio

Thomas R. Hektner

(Signature)

State of _____) SS:
County of _____)

Before me personally appeared said Thomas R. Hektner
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____, 20____.

Seal

(Notary Public)

ASSIGNMENT OF APPLICATION

Docket Number (Optional)

Whereas, I, Tyler Lipschultz of Minneapolis, MN, hereafter referred to as applicant, have invented certain new and useful improvements in Method and Apparatus for Treating a Vertebral Body

☒ for which an application for a United States Patent was filed on 02/27/2001
Application Number 09 / 794,873

☐ for which an application for a United States Patent was executed on _____, and


Whereas, VERTx, Inc. of Maple Grove, MN herein referred to "assignee" whose mailing address is 6765 Wedgwood Road, Maple Grove, MN 55311 is desirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of one dollars (\$1), the receipt whereof is acknowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed this 8th day of November, 2001,
at Prok Star, Inc.

State of _____) SS:
County of _____)

Before me personally appeared said Tyler Lipschultz
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____, 20____.

 (Signature)

Seal

(Notary Public)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
 ASSISTANT SECRETARY AND COMMISSIONER
 OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231



500032993A

MAY 25, 2005

PTAS

BRAD PEDERSEN
 80 SOUTH EIGHTH STREET
 4800 IDS CENTER
 MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 05/25/2005

REEL/FRAME: 016060/0868

NUMBER OF PAGES: 5

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VERTX, INC.

DOC DATE: 03/20/2002

ASSIGNEE:

SPINE WAVE, INC.
 12230 EL CAMINO REAL
 SUITE 300
 SAN DIEGO, CALIFORNIA 92130

SERIAL NUMBER: 10804761

FILING DATE: 03/19/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD AND APPARATUS FOR TREATING A VERTEBRAL BODY

Noted



016060/0868 PAGE 2

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

05/25/2005
500032993

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER
EFFECTIVE DATE:	03/20/2002
CONVEYING PARTY DATA	
Name	Execution Date
Vertx, Inc.	03/20/2002
RECEIVING PARTY DATA	
Name:	Spine Wave, Inc.
Street Address:	12230 El Camino Real
Internal Address:	Suite 300
City:	San Diego
State/Country:	CALIFORNIA
Postal Code:	92130
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	10804761
CORRESPONDENCE DATA	
Fax Number:	(612)349-9266
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	6123495740
Email:	arcand@ptslaw.com
Correspondent Name:	Brad Pedersen
Address Line 1:	80 South Eighth Street
Address Line 2:	4800 IDS Center
Address Line 4:	Minneapolis, MINNESOTA 55402
NAME OF SUBMITTER:	Brad Pedersen
Total Attachments: 3 source=3110 MERGER#page1.tif source=3110 MERGER#page2.tif	

CH \$40.00 10804761

Delaware

PAGE 1

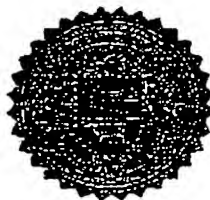
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"VERTX, INC.", A DELAWARE CORPORATION,

WITH AND INTO "SPINE WAVE, INC." UNDER THE NAME OF "SPINE WAVE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTIETH DAY OF MARCH, A.D. 2002, AT 9 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

3358701 8100M

AUTHENTICATION: 1675858

020182089

DATE: 03-20-02

CERTIFICATE OF MERGER OF

VERTx, INC.
(a Delaware Corporation)

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 03/20/2002
020182089 - 3358701

WITH AND INTO

SPINE WAVE, INC.
(a Delaware Corporation)

(UNDER SECTION 251 OF THE GENERAL CORPORATION LAW
OF THE STATE OF DELAWARE)

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify that:

1. The name and state of incorporation of each of the constituent corporations of this merger is as follows: -

<u>Name</u>	<u>State of Incorporation</u>
VERTx, Inc.	Delaware
Spine Wave, Inc.	Delaware

2. An Acquisition Agreement and Plan of Merger (the "Merger Agreement") between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

3. Spine Wave, Inc., a Delaware corporation, shall continue in existence as the surviving corporation in the merger.

4. As a result of the merger, the Certificate of Incorporation of Spine Wave, Inc. as the surviving corporation shall be its Certificate of Incorporation.

5. The executed Merger Agreement is on file at the principal place of business of the surviving corporation, the address of which is 12230 El Camino Real, Suite 300, San Diego, California 92130.

6. A copy of the Merger Agreement will be furnished by the surviving corporation, on request and without cost, to any stockholder of either constituent corporation.

IN WITNESS WHEREOF, Spine Wave, Inc., a Delaware corporation, has caused this Certificate to be signed by Mark LoGuidice, its President on March 20, 2002.

SPINE WAVE, INC.,
a Delaware corporation

By: 

Name: Mark LoGuidice

Title: President



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



500034209A

JUNE 03, 2005

PTAS

BRAD PEDERSEN
4800 IDS CENTER, 80 S 8TH STREET
MINNEAPOLIS, MN 55402-2100

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 06/03/2005

REEL/FRAME: 016093/0632
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SPINE WAVE INC.

DOC DATE: 04/04/2005

ASSIGNEE:

SPINEOLOGY, INC.
7200 HUDSON BLVD N, SUITE 205
OAKDALE, MINNESOTA 55128

SERIAL NUMBER: 10804761

FILING DATE: 03/19/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD AND APPARATUS FOR TREATING A VERTEBRAL BODY

ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Noted
Ryf

PATENT ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.1

06/03/2005
500034209

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT
CONVEYING PARTY DATA	
Name	Execution Date
Splne Wave Inc.	04/04/2005
RECEIVING PARTY DATA	
Name:	Splneology, Inc.
Street Address:	7200 Hudson Blvd N, Suite 205
City:	Oakdale
State/Country:	MINNESOTA
Postal Code:	55128
PROPERTY NUMBERS Total: 1	
Property Type	Number
Application Number:	10804761
CORRESPONDENCE DATA	
Fax Number:	(612)349-9266
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	612-349-5774
Email:	bogema@ptslaw.com
Correspondent Name:	Brad Pedersen
Address Line 1:	4800 IDS Center, 80 S 8th Street
Address Line 4:	Minneapolis, MINNESOTA 55402-2100
NAME OF SUBMITTER:	Brad Pedersen
Total Attachments: 3 source=Confirmatory Assignment 3110.22US02#page1.tif source=Confirmatory Assignment 3110.22US02#page2.tif source=Confirmatory Assignment 3110.22US02#page3.tif	

CH \$40.00 10804761

CONFIRMATORY ASSIGNMENT

WHEREAS, SPINE WAVE INC., a Delaware corporation having a place of business at 2 Enterprise Drive, Suite 302, Shelton, CT 06484, hereafter referred to as "Assignor", was the registered owner and assignee of the United States Patent No. 6,740,093, and to the United States Patent Applications identified on Exhibit A (the "Assigned Patent Applications");

WHEREAS, SPINEOLOGY, INC., a Minnesota Corporation having its principal place of business at 7200 Hudson Blvd N., Suite 205 Oakdale, MN 55128, hereinafter referred to as "Assignee", has agreed to acquire the entire right, title and interest in the Assigned Patent Applications;

WHEREAS, Assignor and Assignee entered into an agreement dated February 14, 2005, and amended and restated as of March 31, 2005, pursuant to which Assignor sold, transferred and assigned its entire right, title and interest in and to the Assigned Patent Applications;

NOW THEREFORE, for good and valuable consideration, the receipt whereof has been previously acknowledged, Assignor by these presents does hereby confirm that it has sold, assigned and transferred unto Assignee, and does sell, assign and transfer unto Assignee, the full and exclusive right in and to the Assigned Patent Applications, including any and all reissued or re-examine patents which may be issued thereon, and any and all continuation applications or

other applications claiming priority thereto, together with the right to sue and recover for any past or future infringements.

Executed this 4TH day of April, 2005, at SHELTON, CT 06484.

SPINE WAVE, INC.

By: [Signature]
(Signature)

Name: MARK D. LOGUIDICE

Title: PRESIDENT + CEO

State of Connecticut) ss: Shelton
County of Fairfield)

Before me personally appeared said Mark D. Loguidice who acknowledged the foregoing instrument to be his/her free act and deed this 4th day of April 2005.

Seal

[Signature]
(Notary Public)

EXHIBIT A

Listing of Assigned Patent Applications

U.S. Provisional Patent Application Serial No. 60/185,323, entitled "Cavity Sealing Barrier", filed February 28, 2000.

U.S. Provisional Patent Application Serial No. 60/220,303, entitled "Implant for Hard Bones", filed July 24, 2000.

U.S. Provisional Patent Application Serial No. 60/239,216, entitled "Vertebral Body Sealing Device and Method", filed October 10, 2000.

U.S. Provisional Patent Application Serial No. 60/239,217, entitled "Hydraulic Distraction with Permeable Membrane", filed October 10, 2000.

U.S. Patent Application Serial No. 10/804,955, entitled "Method and Apparatus for Treating a Vertebral Body", filed March 19, 2004.

U.S. Patent Application Serial No. 10/804,761, entitled "Method and Apparatus for Treating a Vertebral Body", filed March 19, 2004.